REMARKS

In the Office Action mailed January 23, 2008 (hereinafter, "Office Action"), the Examiner objected to the specification; and rejected claims 16-31 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0023953 to Lucassen et al. (hereinafter, "*Lucassen*").

By this response, Applicants hereby amend claim 16-31. No new matter has been added. Claims 1-15 were previously canceled. Accordingly, claims 16-31 are currently pending.

Based on the foregoing amendments and the following remarks, Applicants respectfully traverse the objection to the specification and the rejection under 35 U.S.C. § 102(e), and request timely allowance of pending claims 16-31.

I.   Objection to the Specification

The Examiner states that the "disclosure is objected to because . . . [t]he specification is devoid of terms such as 'computer-readable medium' as recited in claims 16 and 17." Office Action, p. 2. However, the Examiner admitted that "[t]he specification discloses mass storage devices for storing and information carriers for embodying computer program instructions." *Id.* at pp. 2-3.

Applicants respectfully disagree with the Examiner's characterization of the independent claims as lacking support in the specification. *M.P.E.P.* § 608.01(o) states, "[t]he meaning of every term used in any of the claims should be apparent from the descriptive portion of the specification with clear disclosure as to its import." Further, "[t]he mere fact that a term or phrase used in the claim has no antecedent basis in the

specification disclosure does not mean, necessarily, that the term or phrase is indefinite." *M.P.E.P.* § 2173.05(d). "There is no requirement that the words in the claim must match those used in the specification disclosure." *Id.* (emphasis added)

For example, Applicants' Specification (hereinafter, "Specification") describes one exemplary embodiment in which "[t]he invention can be implemented as a computer program product, i.e., a computer program tangibly embodied in an information carrier, e.g., in a machine-readable storage device . . . ." Specification, p. 18, ll. 22-24. Further, "[i]nformation carriers suitable for embodying computer program instructions and data include all forms of non-volatile memory, including by way of example semiconductor memory devices, e.g., EPROM, EEPROM, and flash memory devices; magnetic disks, e.g., internal hard disks or removable disks; magneto-optical disks; and CD-ROM and DVD-ROM disks." *Id.* at p. 19, ll. 15-19. One of ordinary skill in the art would recognize that the disclosed information carriers suitable for embodying computer program instructions and data are computer-readable media.

Thus, while the descriptive portion of the specification may not use the exact term "computer-readable medium," as stated in the *M.P.E.P.*, there is no requirement that the words in the claim must match those used in the specification. Therefore, Applicants respectfully submit that the specification provides sufficient antecedent basis for the term "computer-readable medium," and the meaning of the term is readily apparent from the descriptive portion of the specification. Nevertheless, and to advance prosecution, Applicants have amended the claims to recite a "storage device."

Accordingly, Applicants respectfully request the Examiner to withdraw the objection to the specification.

II.   Rejection Under 35 U.S.C. § 102(e)

Applicants respectfully traverse the rejection of claims 16-31 under 35 U.S.C. § 102(e) as being anticipated by *Lucassen*. A proper anticipation rejection requires that "each and every element set forth in the claim be found, either expressly or inherently described, in a single prior art reference." *M.P.E.P.* § 2131. In addition, "[t]he elements must be arranged as required by the claim . . . ." *Id.* (emphasis added). Applicants respectfully submit that *Lucassen* fails to disclose all of the subject matter recited in each of the independent claims, and also fails to disclose the elements as arranged by each of independent claims 16, 17, and 18.

Lucassen fails to disclose, *inter alia*, "creating a run-time data structure . . . [and] storing the run-time data structure in a storage area that relates to the controller," as recited in independent claim 16. While the Examiner refers to Figure 5 and paragraph [0029], asserting that *Lucassen* teaches this feature, that is incorrect. None of the figures of *Lucassen*, nor their corresponding textual descriptions, disclose at least these recitations.

According to *Lucassen*, "[an] underlying principle of single authoring is the Model-View-Controller, wherein the Model comprises a channel independent description of the application, each channel comprises a View of the model, and the View are obtained by transforming the model into its target form which is rendered by Controllers such as channel specific **browsers** (e.g., WAP browser. . . , Web/HTML browser, C-

HTML browser, HDML browser, VoiceXML voice browser, etc.)." *Lucassen,* ¶ [0053] (emphasis added).

In the Office Action, the Examiner refers specifically to items 59 and 60 of FIG. 5, but does not provide any indication as to how adaptation strategy 59 and adaptation process 60 relate to the recitations of independent claim 16. Indeed, FIG. 5 fails to disclose or suggest, *inter alia*, "creating a run-time data structure . . . [and] storing the run-time data structure in a storage area that relates to the controller," as recited in independent claim 16.

Instead, FIG. 5 discloses "a diagram of a run-time view of an interaction-based application framework . . . ." *Id.* at ¶ [0105]. According to *Lucassen*, "[t]he interaction manager 57 [of FIG. 5] comprises adaptation rules 58, adaptation strategies 59 and an adaptation process 60, which are used for generating a presentation layer comprising data that is **sent to a user agent 62 for rendering a user interface**." *Id.* at ¶ [0109] (emphasis added). *Lucassen* discloses that the "interaction manager 57 is preferably implemented as a servlet or Web intermediary plug-in." *Id.* at ¶ [0110]. Thus, adaptation strategies 59 and adaptation process 60 are used to generate data that is sent to a controller for rendering. FIG. 5 does not disclose, *inter alia*, "creating a run-time data structure . . . [and] storing the run-time data structure in a storage area that relates to the controller," as recited in independent claim 16.

Referring to the rejection of independent claim 17, the Examiner's identifies FIG. 6, element 63 (multi-modal shell controller) as disclosing "a storage area that relates to a controller, the storage area . . . storing a run-time data structure." Office Action, p. 4.

According to *Lucassen*, however, "multi-modal shell controller 63 controls the different components of the interaction manager 57." *Lucassen,* ¶ [0110]. As stated above, the Examiner identifies adaptation strategies 59 and an adaptation process 60, two components of interaction manager 57, asserting that they disclose "creating a run-time data structure . . . [and] storing the run-time data structure in a storage area that relates to the controller," as recited in independent claim 16.

Thus, not only does *Lucassen* fail to disclose, *inter alia*, "creating a run-time data structure . . . [and] storing the run-time data structure in a storage area that relates to the controller," as recited in independent claim 16, but the Examiner's own statements and interpretations of *Lucassen* are <u>inconsistent</u> with one another.

Accordingly, for at least the above-outlined reasons, *Lucassen* fails to disclose all of the subject matter recited in Applicants' independent claim 16. Therefore, the rejection of independent claim 16 under 35 U.S.C. § 102(e) is legally deficient, should be withdrawn, and the claim allowed.

Independent claims 17 and 18 although of different scope, recite elements similar to that of independent claim 16, and are therefore allowable for at least the same reasons. Therefore, the rejection of independent claims 17 and 18 under 35 U.S.C. § 102(e) is legally deficient, should be withdrawn, and the claims allowed.

Claims 19-31 depend from independent claim 18. As discussed above, *Lucassen* does not support a rejection of independent claim 18 under § 102. Therefore, dependent claims 19-31 are allowable for at least the same reasons as set forth above in connection with independent claim 18.

III. Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.
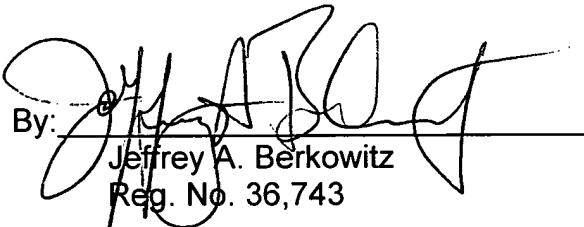
The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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